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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,453	09/14/2005	Junichi Ueno	125333	1664
25944	7590	08/28/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			ROSE, ROBERT A	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/549,453	Applicant(s) UENO, JUNICHI	
	Examiner Robert Rose	Art Unit 3723	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2005.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 5-8, 11-14 and 19-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-8, 11-14 and 19-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/14/05</u> . | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Receipt is acknowledged of Applicant's Prior Art Statement, filed September 14, 2005.
2. Receipt is acknowledged of Applicant's Foreign Priority papers, filed September 14, 2005.
3. Receipt is acknowledged of Applicant's Preliminary Amendment, filed September 14, 2005.
4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-4 have been canceled. Applicant has directed to cancel claims 1-10, however claims 5-8 were rewritten in Applicant's Preliminary Amendment.
6. Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It appears that newly presented claims 5-8 were intended to be numbered as claims 15-18. In claims 6-8 the claims are dependent from non-existent claims. It is recommended that these claims be canceled and re-introduced as consecutively numbered claims to follow claim 30, being careful to maintain consistency in their dependencies.
7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 5-8, 11-14, 19, 23, and 27 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Susumu et al(Japan No. 10180623). Susumu et al discloses a wafer holding carrier and double-sided polishing apparatus comprising all of the subject matter set forth in Applicant's claims above. A plurality of polishing-agent passing holes are distributed over the main surface of the carrier to facilitate delivery to the underside of the wafers being polished. With regard to claims 5-8, note figure 3 of Susumu et al wherein the holes lie on concentric circles.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 21, 25, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susumu et al(Japan No. 10-180623). With regard to claim 29, the rate of delivery of polishing agent is regarded as an obvious matter of design choice, which would be readily determined by routine experimentation on the part of those of ordinary skill in the art.

11. Claims 20, 22, 24, 26, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susumu et al(Japan No. 10-180623) in view of Fuminari et al(Japan No. 10-202511). Fuminari et al disclose a double-sided wafer polishing apparatus comprising a wafer carrier moved in a curvilinear translational orbiting motion without rotation. To provide an eccentrically driven carrier place of the sun and internal gear

arrangement in Susumu et al, to deliver a more uniform motion across the wafers would have been obvious in view of Fuminari et al. The Shore A hardness of the polishing pads are regarded as an obvious matter of design choice. With regard to claim 30, the rate of delivery of polishing agent is regarded as an obvious matter of design choice, which would be readily determined by routine experimentation on the part of those of ordinary skill in the art.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Horiguchi et al is cited of interest to show a double-sided wafer polishing apparatus having an eccentrically driven wafer carrier. Wenski et al, and Mausmura et al are cited to show other wafer carriers having slurry delivery holes distributed across the main surface.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Rose whose telephone number is (571) 272-4494. The examiner can normally be reached on Monday through Thursday, and on alternate Fridays, from 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached at (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert Rose  
Primary Examiner  
Art Unit 3723

A handwritten signature in black ink, appearing to read 'R. Rose', is written over the printed name and title.

Rr

August 18, 2006.